

AF 2700

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.
ITL.0681

In Re Application Of: Wah Yiu Kwong et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/020,701	December 12, 2001	Ronald Baum	21906	2136	9547

Invention: Providing a User Input Interface Prior to Initiation of an Operating System



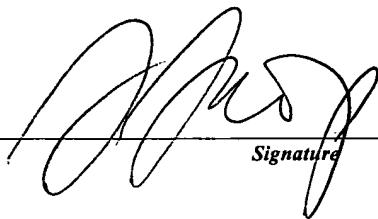
COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated September 1, 2005 finally rejecting Claim(s) 1-25.

The fee for this Notice of Appeal is: \$500.00

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: September 20, 2005

Timothy N. Trop, Reg. No. 28,994
Trop, Pruner & Hu, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880
(713) 468-8883 (fax)

09/22/2005 YPOLITE1 00000075 10020701

01 FC:1401

500.00 OP

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

September 20, 2005

(Date)



Cynthia L. Hayden
Signature of Person Mailing Correspondence

Cynthia L. Hayden

Typed or Printed Name of Person Mailing Correspondence

Doc Code: AP.PRE.REQ



PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.0681US (P12999)
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>September 20, 2005</u> Signature <u>Cynthia L. Hayden</u> Typed or printed name <u>Cynthia L. Hayden</u>		Application Number 10/020,701 Filed December 12, 2001
		First Named Inventor Wah Yiu Kwong et al.
		Art Unit 2136 Examiner Ronald Baum

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record. 28,994
Registration number _____

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

September 20, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

<input type="checkbox"/> *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Wah Yiu Kwong et al. § Art Unit: 2136
Serial No.: 10/020,701 § Examiner: Ronald Baum
Filed: December 12, 2001 § Docket: ITL.0681US
For: Providing a User Input § P12999
Interface Prior to Initiation
of an Operating System § Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REVIEW

Sir:

In support of pre-appeal review, the following statement is provided.

In the prior office action, nothing but vague and indefinite assertions were made. There is no basis whatsoever for the rejection. *Inter alia*, some 200 lines of the reference and several figures are cited. Virtually the entire reference is thrown at the Applicant with the suggestion that somewhere and somehow, undefined, the reference anticipates.

The claim is very clear and very simple. It calls for displaying a user interface prior to booting of a processor-based system. The most careful review possible under the circumstances suggests that there is nothing to support the rejection within the cited reference.

These perceived deficiencies were pointed out in the first response. Rather than responding by pointing our out where the alleged features are in the cited reference, the next office action has nothing but unrequested assertions about claim construction. The response to amendment (page 9) states:

Date of Deposit: September 20, 2005
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22312-1450.

Cynthia L. Hayden

‘... The examiner broadly interprets the applicants’ use of the phrase display a graphical user interface before the system boots and it must do so in response to detection of the user input’ as a ‘non-specific type of interactive event encompassing anything from physical interaction (not necessarily co-located with the appliance per se), to a user to virtual GUI interaction (such as a network/operating system detected event) in order to initiate a “boot” of system software, of which the appliance firmware, post-interactive set up, would clearly encompass.’

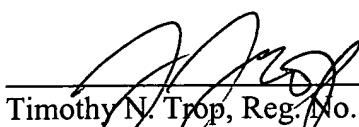
It is respectfully submitted that these assertions are meaningless. The office action goes on to state that “Nowhere in the claim language does the recitation of a requirement for an explicit claiming of the differentiation aspect of the various types ‘... operating system [i.e., software or firmware; volatile RAM or non-volatile RAM based] appear, just the broad ‘... operating system’ and input/detection of user input via an interactive user interface per se.” Again, these assertions are meaningless. The claim has nothing to do with software, firmware, volatile RAM, or non-volatile RAM. The assertion of a “differentiation aspect” makes no sense and is merely obfuscation.

Finally, rather than suggesting where support for the rejection might be found, the Examiner simply states that “the various Iggulden configuration interactions, as being broadly interpreted by the examiner, as per the claim language would, therefore, be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.” Again, the rejection fails to point out anything which shows where some user input is possible prior to the booting of the processor-based system using a user interface that is displayed. This is simple language and, if it is in the reference, there is no reason not to point it out. The assertions of claim construction make no sense, and fail to address the issue presented which is where the reference supports the rejection. The assertions of broad construction are completely unsupported and it is respectfully submitted totally without any basis in law, fact, or logic.

Thus, it is respectfully requested that the appeal review panel overturn the rejection.

Respectfully submitted,

Date: September 15, 2005



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation